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United Nations Forum on Forests
Open-ended ad hoc expert group on the consideration of the content of the non-legally binding instrument on all types of forests
New York, 11-15 December 2006
Item 3 of the provisional agenda

Provisional agenda and annotations

1. Opening of the ad hoc expert group meeting.
2. Election of the Chairpersons.
3. Adoption of the agenda and other organizational matters.
4. Tasks of the ad hoc expert group.
5. Other matters.
6. Adoption of the report of the ad hoc expert group.

Annotations

1. Opening of the ad hoc expert group meeting

The Director of the secretariat of the United Nations Forum on Forests will open the meeting.

2. Election of the Chairpersons

The ad hoc expert group may wish to elect two co-chairpersons from among the Government-designated experts at the meeting, one from a developing country and one from a developed country.

3. Adoption of the agenda and other organizational matters

In order to facilitate the work of the ad hoc expert group, the provisional agenda and the draft organization of work of the meeting are tabled for consideration.

The expert group may wish to consider and adopt the agenda and an organization of work. The group may also wish to elect a rapporteur and establish a drafting group or groups to assist the co-chairpersons in preparing a draft report of the working group.

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4. Tasks of the ad hoc expert group

In carrying out its tasks, the ad hoc expert group would follow the provisions of paragraph 29 of Economic and Social Council resolution 2006/49, in which the expert group was requested to consider the content of the non-legally binding instrument to assist the Forum in its deliberations, drawing on the compilation and comments referred to in paragraphs 27 and 28 of the same resolution.

The ad hoc expert group will provide its outputs regarding the content of the non-legally binding instrument for the consideration of the Forum at its seventh session.

Documentation

Note by the Secretariat on the consideration of the content of the non-legally binding instrument on all types of forests (E/CN.18/AC.1/2006/2).

5. Other matters

The ad hoc expert group may wish to discuss other related matters.

6. Adoption of the report of the ad hoc expert group

The ad hoc expert group shall adopt a report at the meeting, for submission to the Forum at its seventh session. The report shall specify major outcomes of the group's work, including proposals and recommendations for further consideration by the Forum.

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Economic and Social Council

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6 October 2006

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United Nations Forum on Forests
Open-ended ad hoc expert group on the consideration of the content of the non-legally binding instrument on all types of forests
New York, 11-15 December 2006
Item 4 of the provisional agenda*
Tasks of the ad hoc expert group

Developing a non-legally binding instrument on all types of forests

Note by the Secretariat

Summary

The present note has been prepared to provide Government-designated experts with a summary of the country and regional group proposals and follow-up comments and to facilitate the work of the ad hoc expert group meeting in considering the content of the non-legally binding instrument on all types of forests. The purpose is twofold: to identify and analyse common elements in the 18 proposals and 5 comments provided by member States of the United Nations Forum on Forests, as well as to identify other elements for possible inclusion; and to provide further elaboration of substantive, working and institutional elements for developing a non-legally binding instrument. The note includes an annex, in a tabular format, containing all the proposed elements provided by countries and regional groups. The note has been compiled and elaborated through a comprehensive analysis of all country and regional group proposals and comments.

* E/CN.18/AC.1/2006/1.

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I. Introduction

1. In its resolution 2006/49, the Economic and Social Council called for the conclusion and adoption of a non-legally binding instrument on all types of forests at the seventh session of the Forum. The resolution contains an annex with six proposals, provided by the African Group, Australia, Brazil, Canada, the European Union and the United States of America, on possible elements for the instrument. Following the sixth session, an additional 12 proposals were submitted by the Association of Southeast Asian Nations (ASEAN), Australia, Brazil, Colombia, the European Union,[1] Indonesia, Japan, Pakistan, South Africa, Switzerland, the United States and Zimbabwe. The Council also requested the member States to submit their further comments to the secretariat of the Forum on the compilation of those proposals. By the time of the completion of the present note, the secretariat had received comments from Colombia, Indonesia, Pakistan, the Republic of Korea and Switzerland, and a revised proposal from the European Union. In addition, two major groups, children and youth and women, had also provided inputs.

2. The purpose of the present note is twofold: first, to identify and analyse common elements in the 18 proposals and 5 comments provided by the member States, as well as to identify other elements for possible inclusion; and second, to provide further elaboration of substantive, working and institutional elements for developing a non-legally binding instrument. The note includes an annex, in a tabular format, containing all the proposed elements provided by countries and regional groups. The elements were systematically compiled and elaborated through a comprehensive analysis of all of the country and regional group proposals and comments received.

3. In considering the proposals and comments by countries and regional groups, particularly regarding issues that may be considered sensitive, the Government-designated experts are urged not to lose sight of the voluntary nature of the instrument. Its purpose is to promote sustainable forest management and the achievement of the global objectives on forests through cooperation, with due respect for the sovereign rights of countries over their natural resources and their rights and obligations under other agreements.

4. The secretariat would like to stress that, despite its systematic and objective analysis of all the proposals and comments, the sheer volume of ideas and facts contained in them may not have been fully reflected in the present synthesis. Therefore, it is recommended that experts consider the present note in conjunction with the original compilation of proposals and comments.

II. Synthesis of country proposals and comments

A. Elements most commonly identified

5. The matrix in the annex was used to identify the most common elements contained in the proposals submitted by the 3 regional groups and 11 countries. Since Australia, Brazil, the European Union and the United States submitted their

[1] The revised submission of the European Union was received after the compilation of proposals was circulated to all Member States, but is available at www.un.org/esa/forests/.

proposals twice, the proposals by each country or regional group were combined in the matrix, resulting in 14 instead of 18 submissions. It should be noted that the list set out below identifies the number of proposals and not necessarily the number of countries. The most commonly identified elements in the proposals, with the number of proposals supporting their inclusion indicated in parentheses, were:

- Purpose and preamble (11)
- Principles (10)
- Definitions/use of terms (7)
- Global objectives (13)
- National goals/targets/actions related to global objectives (6)
- Relationship to other agreements (8)
- National policies and measures (9):
  - National forest programmes (11)
  - National poverty reduction strategies (6)
  - National development policies/strategies and sustainable forest management (6)
  - Implementation of Intergovernmental Panel on Forests (IPF)/Intergovernmental Forum on Forests (IFF) proposals for action and United Nations Forum on Forests resolutions (8)
  - The seven thematic elements of sustainable forest management (5, with another 9 proposals referring to issues that fall under specific thematic elements)
  - Cross-sectoral coordination and cooperation (7)
  - Domestic forest law enforcement (7, with 5 linking it closely to governance)
- Research (10)
- Trade (8)
- Financial arrangements (11)
- Public-private partnerships (7)
- Transfer of environmentally sound technologies (12)
- Capacity-building (13)
- Institutional arrangements/modalities (8)
- International and regional cooperation (11):
  - Collaborative Partnership on Forests (5)
  - Regional cooperation (8)
- Stakeholder/major group participation (12)

- Monitoring, assessment and reporting (11):
  - Peer review of reporting (4)/facilitation (1)
  - Use of criteria and indicators (5)
- Information exchange/cooperation (8)
- Education (6)
- Public awareness (6)
- Adoption and Subscription combined (7)
- Review of effectiveness/renewal of instrument (8)

B. Less common elements for possible inclusion

6. The following elements identified by five or less proposals, some of which are included in other similar types of agreements, could also be considered within the structure of a non-legally binding instrument:

- Global, regional and subregional policies and measures (4)
- Traditional forest-related knowledge (5)
- Private sector investment (5)
- Incentives (3)
- Multi-year programme of work (4)
- Emerging issues (1)
- Establishment of a clearing-house mechanism (5)

Most of these additional elements, however, could also be incorporated under the common elements listed in paragraph 5 above.

7. All of the submissions provided important indicative elements to be considered in the design of the instrument. The proposals by Brazil, the European Union and the United States following the sixth session of the Forum were presented in the form of an actual instrument, with all three basically including the following elements in their structure, albeit with variations in name: preamble; global objectives on forests; principles; national policies and measures; enhanced cooperation and cross-sectoral coordination; regional cooperation; financial resources; technical and scientific cooperation; access to and transfer of technology; monitoring, assessment and reporting; the United Nations Forum on Forests; and the Forum secretariat.

C. Comments on the proposals provided by member States

8. Comments on the proposals were provided by Colombia, Indonesia, Pakistan, the Republic of Korea and Switzerland. Following the second set of submissions, the European Union submitted an integral text on a non-legally binding instrument, which was distributed to member States along with the comments on the proposals.

9. The submission by Colombia stressed the importance of the global objectives on forests in the instrument. Preference was expressed for the title "non-legally binding instrument on the sustainable management of all types of forests". It reiterated support for a number of elements common to many of the country proposals that should be considered in the negotiations. It questioned whether the working modalities of the Forum needed to be included in the instrument. Issues that needed to be carefully considered included national reports and the financing of the implementation of the instrument in developing countries. Concern was expressed over the proposal of peer review of national reports. Colombia supported the proposals of ASEAN, Brazil, Canada, Indonesia and South Africa for the creation of a global forest fund. It specifically provided comments on the proposals submitted by the United States and Switzerland, as well as the first draft provided by the European Union.

10. The submission by Indonesia reaffirmed the importance of sustainable forest management in poverty reduction and development and that the instrument needed to strengthen international cooperation for achieving internationally agreed development goals, including the Millennium Development Goals. It also stressed the need to avoid overlapping on issues, such as benefit-sharing and invasive species, which would be more appropriately addressed through the Convention on Biological Diversity. Regarding the proposal for peer review of national reports, this would require the use of criteria and indicators for monitoring, assessment and reporting, reiterating that any peer review mechanisms would have to be voluntary. Finally, the multi-year programme of work should be addressed in the framework of the implementation and objectives of the instrument.

11. The submission by Pakistan noted that the proposals of South Africa, Indonesia and, to some extent, Brazil, in the area of means of implementation were similar to different degrees with its own. It also expressed a preference for a new financial mechanism rather than an operational programme on forests under the Global Environment Facility (GEF). Pakistan also provided its views on elements contained in the proposals submitted by Canada, on the percentage of land area under forest cover and compliance and dispute settlement, and by the European Union, on peer review. It should be noted that, subsequently, in the second submission of the European Union, peer review has been replaced by a facilitative process for promoting the implementation of the instrument based on an analysis of national reports. In response to the proposals by Australia, Indonesia and the United States, Pakistan also elaborated on its position regarding illegally harvested forest products. It also reaffirmed its position on closer linkages between the instrument and multilateral environmental agreements, particularly those adopted at the United Nations Conference on Environment and Development.

12. In its comments, the Republic of Korea highlighted the importance of basing the instrument on the global objectives on forests and, in that regard, stressed the significance of means of implementation and monitoring, assessment and reporting. It noted the many proposals on financing and the need to further discuss them at the next session of the Forum. The implementation of policies and measures should be clearly spelled out at the international, regional and national levels.

13. The comments provided by Switzerland expressed concern that the instrument should not be a weaker version or duplication of resolution 2006/49 of the Economic and Social Council agreed upon at the sixth session of the Forum; it

should be a stronger instrument with concrete commitments. However, it does not support a differentiation of commitments based on different categories of countries. Switzerland does not favour a multi-year programme of work that is specific to the instrument, since the Forum will be adopting a broader multi-year programme of work that should include the implementation of the instrument. Finally, it reiterated the importance of a number of issues addressed in the second set of country proposals following the sixth session of the Forum.

D. Variations in country and regional group proposals

14. The country and regional group proposals were generally in agreement regarding the substance of the elements to be included in the non-legally binding instrument on all types of forests, and particularly regarding preambular paragraphs, principles of the instrument, the global objectives on forests, the relationship to other instruments, research, enhanced cooperation and cross-sectoral policy and programme coordination, international trade in forest products, capacity-building, transfer of environmentally sound technologies and stakeholder participation.

15. Several of the proposals highlighted the importance of issues that should be considered in the development of the non-legally binding instrument, such as the purpose of the instrument, amendments to the instrument, the role of incentives, public awareness and education and the establishment of a clearing-house mechanism for promoting sustainable forest management.

16. Several of the proposals recommended detailed measures to be undertaken by countries under the instrument that in some cases reflected the particular concerns of individual countries, and which could be addressed more appropriately under the seven thematic elements of sustainable forest management described below.

17. While there was general agreement on many elements to be included in the instrument, there were a few elements that elicited a divergence of views. They include the relationship of the multi-year programme of work of the Forum and the instrument, financial resources, peer review of national reports and the proposal for subscription to the instrument, which are addressed below. Although several proposals recommended the inclusion of the definition of terms, it could be expected that the negotiation of some of those terms could also be contentious.

18. A large number of proposals were provided on measures for financing sustainable forest management. Although no opposition to any specific measure was expressed, it can be expected that further negotiations on the measures will be required before agreement can be reached on some of the more contentious ones.

III. Substantive elements of a non-legally binding instrument on forests

19. On the basis of an analysis of the 18 proposals submitted, the following are elements, along with annotations of possible contents, that could be considered for possible inclusion in the instrument, given the broad consensus on them. Proposals for specific text provided in the submissions should be carefully examined and taken into account. It should be noted that several of the proposals submitted utilized language and elements contained in Council resolution 2006/49. As indicated in the

introduction, the Forum secretariat is providing the analysis and information below for the consideration of the experts without making recommendations.

A. Preamble

20. The preamble could stress the building blocks of the instrument: the Rio Declaration on Environment and Development; the Non-legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of All Types of Forests (Rio Forest Principles); chapter 11 of Agenda 21; the Intergovernmental Panel on Forests/Intergovernmental Forum on Forests proposals for action; the resolutions and decisions of the United Nations Forum on Forests; the Johannesburg Declaration and Plan of Implementation; the Monterrey Consensus of the International Conference on Financing for Development; the internationally agreed development goals, including the Millennium Development Goals; and the 2005 World Summit.

21. The preambular section could also include a paragraph on the importance of the instrument in strengthening the international arrangement on forests, clarifying the relationship between the Forum and the instrument. Many proposals gave a clear indication that the Forum should be the "governing body" overseeing the implementation of the instrument, thereby securing universal membership, and that the Forum secretariat would also serve as the secretariat of the instrument.

22. Several of the submissions included text for preambular paragraphs that should be taken into account. Generally, there was agreement on several elements to be included, and no conflicting proposals were noted regarding other suggested elements.

B. Adoption/universal membership

23. As suggested in several proposals, a paragraph should be included at the end of the preamble signalling that the member States agreed to the instrument that follows, underlining the importance of universal membership. The submissions by the European Union and the United States proposed that the instrument should be adopted by the General Assembly, which signifies that it would have universal membership.

C. Principles

24. Several of the submissions included specific proposals for principles. Most of them overlap with the text proposed for preamble, purpose or objectives. If a separate chapter on principles is needed, some other overlapping items could be pulled from other chapters. No conflicting positions were noted here, although some proposals tended to stress certain principles.

D. Definition of key terms

25. Seven proposals, representing the views of 40 countries, called for definitions of terms used in the instrument, with five suggesting some terms that could be defined. This could provide an opportunity to further international understanding of what is meant by sustainable forest management through the provision of indicative elements, rather than through strict definitions. It should be noted that some useful work on definitions has already been done by the task force on concepts and terminology of the Collaborative Partnership on Forests and in the context of the Forest Resource Assessment 2005 of the Food and Agriculture Organization of the United Nations. Only those terms critical to the text of the instrument should be defined, thus avoiding a long list of definitions and terms not used or infrequently used in the text.

E. Purpose

26. On the basis of several proposals and comments received, the purpose of the instrument could be fourfold. First, the instrument could intensify and further raise the political and public profile of forests at the national, regional and international levels. Second, taking into account the above-mentioned building blocks, particularly the IPF/IFF continuum and the work of the Forum, which builds upon the Rio Forest Principles and chapter 11 of Agenda 21, the instrument could provide a well-articulated and coherent conceptual framework for sustainable forest management and for effective guidance for the implementation of actions at the national, regional and international levels for the achievement of internationally agreed policy objectives related to forests, including those of the internationally agreed development agenda. Third, it could also lead to a greater understanding of what is meant by sustainable forest management. Fourth, the instrument could provide a global platform for closer cooperation among the many forest-related international and regional agreements, processes and organizations.

27. The importance of the instrument in promoting and catalysing sustainable forest management at the national level could feature prominently. The instrument could facilitate the channelling of efforts and resources for promoting sustainable forest management at the national level. To that end, greater consideration could be given to the role of incentives.

28. The instrument could provide countries with the following added values:

(a) Political commitment to promote sustainable forest management and the achievement of the global objectives on forests;

(b) A coherent conceptual framework for implementing sustainable forest management;

(c) Greater understanding of what is meant by sustainable forest management;

(d) A global platform for enhanced cooperation and collaboration;

(e) Strengthened implementation at the national and regional levels.

29. Where articulated in the proposals, there appear to be no conflicting positions regarding the purpose of the instrument, with particular emphasis placed on

strengthening the international arrangement on forests, promoting sustainable forest management and achieving the global objectives on forests.

F. Objectives

30. According to some proposals, the overarching objective of the instrument could be the strengthening of the international commitment to the management, conservation and sustainable development of all types of forests. In most submissions, the specific objectives would be the four global objectives on forests in support of sustainable forest management, as adopted by the sixth session of the Forum. The contribution of the global objectives on forests to the achievement of the internationally agreed development goals, including the Millennium Development Goals, in particular with respect to poverty eradication and environmental sustainability, could be stressed.

G. National measures for contributing to the achievement of global objectives on forests

31. This section could address the importance of the efforts by countries to contribute to the above-mentioned global objectives on forests through the development or indication of voluntary national measures, policies, actions or specific goals. Countries would also be urged to integrate national forest programmes or other forest strategies into national strategies for sustainable development, relevant national action plans and, where appropriate, into poverty reduction strategies.

32. Nearly half of the proposals, including those from Australia, Brazil, the European Union, Switzerland and the United States, supported the development and implementation of national measures, policies, actions or goals that would contribute to the achievement of the global objectives on forests.

H. Relationship to other instruments

33. Most of the country proposals highlighted the importance of the relationship of the instrument to other agreements. This section could clarify the fundamental prerequisite of the new international regime: how to relate the new normative (voluntary) framework to other existing, forest-related instruments. The non-legally binding instrument could stress the establishment of a more formal coordination mechanism and the importance of strengthening interaction with other legally binding and non-legally binding instruments relevant to forests, with a view to facilitating enhanced cooperation and effective implementation of sustainable forest management. To that end, the mutual supportiveness of the instruments could be stressed and specific areas of responsibility addressed.

34. In addition to close cooperation with the other members of the Collaborative Partnership on Forests (the Forum secretariat represents the Department of Economic and Social Affairs of the United Nations Secretariat in this voluntary partnership), more interaction could be desirable with the governing bodies of multilateral agreements and other members of the Collaborative Partnership. Several

proposals referred to the Convention on Biological Diversity, the United Nations Framework Convention on Climate Change, the United Nations Convention to Combat Desertification, the International Tropical Timber Agreement, the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the Convention on Wetlands of International Importance, especially as Waterfowl Habitat (Ramsar Convention), the Convention on the Conservation of Migratory Species of Wild Animals and the World Heritage Convention, as well as relevant forest-related regional agreements, the World Trade Organization and the United Nations Educational, Scientific and Cultural Organization.

I. Specific actions for the implementation of sustainable forest management at the international, regional and national levels

35. The seven thematic elements of sustainable forest management were highlighted in several country proposals as important elements of the instrument and pertinent to the achievement of the global objectives on forests. Some thematic elements could be specifically related to particular global objectives on forests.

36. The present section could, as a conceptual framework, form an important part of the instrument, highlighting key actions to be undertaken in the seven thematic elements of sustainable forest management at the national, regional and international levels, taking into account the relevant resolutions of the second to fourth sessions of the Forum, as well as a clustering of the IPF/IFF proposals for action under the seven thematic elements. Detailed sub-elements have been provided only for the last of the seven thematic elements listed below, since they were identified in the proposals provided by countries and regional groups. Traditional forest-related knowledge could be addressed under elements (f) or (g). The seven elements are:

(a) Extent of forest resources;

(b) Forest biological diversity;

(c) Forest health and vitality;

(d) Productive functions of forest resources;

(e) Protective functions of forest resources;

(f) Socio-economic functions of forests;

(g) Legal, policy and institutional framework:

- National forest programmes
- National poverty reduction strategies
- National development policies/strategies and sustainable forest management
- Cross-sectoral coordination
- Private sector investment
- Incentives
- Governance

- Domestic forest law enforcement
- Trade.

J. International trade in forest products

37. Eight of the country and regional group proposals, representing the views of 40 countries, highlighted the importance of international trade in forest products, linking it closely to the issue of governance and domestic forest law enforcement. The emphasis was on promoting international trade in products from sustainably managed forests and on addressing international trade in illegally harvested forest products.

38. The ASEAN submission specifically proposed that valuation, accounting and pricing systems be taken into account when internalizing the full environmental and social costs of forest products from sustainably managed forests. Support could be given to promoting better market access and prices for higher value-added forest products.

K. Partnerships and actions promoting sustainable forest management with the private sector, civil society and major groups

39. Several of the country and regional group proposals, representing 87 countries, stressed stakeholder participation and partnerships throughout the instrument, including in the sections on the preamble, the principles, national measures for sustainable forest management, research, public awareness and education, enhanced cooperation and cross-sectoral policy and programme coordination, finance, capacity-building and transfer of environmentally sound technologies, and working modalities.

L. International cooperation and cross-sectoral coordination

40. Cross-sectoral coordination at the country level, the role of the Collaborative Partnership on Forests and regional processes and organizations were highlighted in several proposals. No conflicting views were noted. Many of the elements that could be incorporated into this section are contained in Council resolution 2006/49.

M. Monitoring, assessment and reporting (including review in 2015)

41. Almost all the submissions stressed the importance of monitoring, assessment and reporting, particularly in regard to the global forest objectives, with several proposing the use of criteria and indicators. Some stressed the need to take into account forest-related reporting required by other agreements and processes. Several stressed that reporting should be voluntary.

42. Many of the elements that could be incorporated into this section are contained in Council resolution 2006/49 and Forum resolution 4/3. To measure progress towards the achievement of the global objectives on forests, consideration could be

given to the selection of indicators, utilizing indicators from existing criteria and indicator processes. This could be done by establishing an ad hoc expert group under the next multi-year programme of work of the Forum.

43. The issue of peer review of national reporting was raised in four proposals, without much detail given. One proposal viewed peer review as a positive step to assessing the needs of countries for improving sustainable forest management, which could lead to financial assistance from the donor community. Another proposal indicated the role of facilitative measures towards the achievement of the global objectives on forests, taking into account national reports.

44. Many of the proposals called for the review of the effectiveness of the instrument in 2015, in accordance with Council resolution 2006/49.

N. Means of implementation

45. The following means of implementation were viewed in most proposals as critical to the success of the instrument: financial resources; incentives; research and technical and scientific cooperation; capacity-building; transfer of environmentally sound technologies; public awareness and education; and information exchange and cooperation.

Financial resources

46. Financial resources in particular have been prominently mentioned in ongoing Forum deliberations, as well as in the country proposals and subsequent comments by member States. The clear message is that sustainable forest management has additional and often transitional costs which would need to be supplemented by different national and international sources, as well as from public, private and philanthropic sources. It is anticipated that, in the long run, with appropriate improvement in markets and policies to address related inadequacies, sustainable forest management will be self-financing. Until then, however, developing countries in particular will require external assistance with new and additional financial resources.

47. The fourth global objective on forests is clearly on financial resources. It appears that without proper provisions on financial issues, the non-legally binding instrument will face serious challenges to become effective.

48. Some of the elements that could be incorporated into the present section are contained in resolution 2006/49.

49. Country and regional group proposals and comments reflected a wide range in focus and concrete ideas. The proposals (each followed by the number of proposals and countries supporting the option) were as follows:

(a) Unspecified international funding mechanisms/financial arrangements (6/57)

(b) National funding mechanisms (3/3)

(c) Consideration of the establishment of a global financing mechanism/global forest fund (6/38)

(d) Increase official development assistance (3/27)

(e) Consideration of the establishment of a new operational programme on forests under GEF (2/26)

(f) Strengthen existing forest-related funds, such as the National Forest Programme Facility, the Programme on Forests and the Bali Partnership Fund (3/27)

(g) Unspecified innovative financial mechanisms (3/27)

(h) Payment for environmental services provided by forests (2/2)

(i) Incentive measures (3/27)

(j) Attract private sector investment (5/37)

(k) Attract investment from local communities and other forest users (2/26)

(l) Public-private sector partnerships (7/31)

50. The proposals by the European Union and the United States were wide-ranging and based on resolution 2006/49, calling on support from all sources, national initiatives, private investments and partnerships. Most proposals from developing countries proposed to establish a dedicated global forest fund or mechanism, which was also supported by Canada. Regarding a separate operational programme on forests in GEF, there seems to be support, but one comment questioned its actual feasibility.

51. Several proposals called for consideration of the development of a financial mechanism package that demonstrated commitment from the international community, as well as from national Governments, containing new and additional financial resources, a possible new fund or a new GEF operational programme, and a suite of measures for attracting private investments.

52. The ad hoc expert group may wish to pay serious attention to the financial issue, as it would be one of the key elements of the non-legally binding instrument. Consideration could be given to how a country adopting and/or subscribing to the instrument would benefit in terms of financial resources and other means of implementation. Without a clear indication, the attractiveness of the instrument and its eventual successful implementation would be in question.

Incentives

53. Two proposals, one directly and another indirectly, touch on the issue of providing incentives through the instrument for sustainable forest management. This element is frequently addressed in both non-legally binding and legally binding instruments, and consideration should be given to its inclusion in the instrument.

Research and technical and scientific cooperation

54. Most of the proposals included research as an important element of the instrument. Six saw the instrument as providing a strategic framework for global forest research and networking. Several of the elements that could be incorporated into the present section are contained in resolution 4/1 and Council resolution 2006/49, which also stress the importance of linking science and policymaking. Special attention could be given to forest-related work in the field of climate change.

55. The proposal by the European Union welcomed the joint initiative on science and technology by the International Union of Forest Research Organizations, the Center for International Forestry Research and the World Agroforestry Centre, in collaboration with other member organizations of the Collaborative Partnership on Forests, in support of the work of the Forum and the implementation of the instrument.

Capacity-building and transfer of environmentally sound technologies

56. Practically all the submissions identified capacity-building and technology transfer as important activities to be promoted through the instrument. One proposal stressed that the transfer of environmentally sound technologies should be conducted on favourable terms, including on concessional and preferential terms.

Public awareness and education

57. Public awareness and education were covered in several proposals, but without much detail. Elements for the present section could be derived from Forum resolutions 3/3 and 4/1 and Council resolution 2000/35. The proposed International Year of Forests, 2011, would provide a good opportunity to raise awareness.

Information exchange and cooperation

58. A number of the proposals recognized the importance of information exchange and cooperation for the instrument. Several proposed the establishment of a clearing-house mechanism for sustainable forest management, emphasizing the importance of disseminating information on technologies for sustainable forest management.

59. The present section is commonly found in most international legally binding and non-legally binding agreements. Delegates could look at the language used for possible inclusion. Forum resolution 4/3 on monitoring, assessment and reporting could also provide some elements.

IV. Institutional and working modalities

60. To a large extent, institutional and working modalities have already been addressed in Council resolution 2006/49 and in other resolutions and decisions of the Forum, and could be incorporated into the instrument without much controversy. Consequently, the proposals are generally in agreement regarding stakeholder participation, the role of the Forum secretariat and the progress review to be conducted in 2015.

A. Governing body

61. Five of the submissions proposed that the Forum serve as the governing body of the instrument. No other body was proposed for this role. The regular sessions of the Forum would assess progress in the implementation of the instrument, including a review of national reports, the mobilization of resources, support provided by the Collaborative Partnership on Forests and cooperation with other forest-related

instruments and processes. The Forum would also decide on any additional actions required for the implementation of the instrument.

B. Meetings

62. Regarding meetings, several proposals suggest that the oversight and monitoring of the implementation of the instrument would be the responsibility of the Forum. To facilitate and strengthen regional cooperation in support of the work of the Forum, regional meetings could be organized in collaboration with existing regional bodies and processes. Two submissions proposed that the regional meetings be held in alternating years to the Forum.

C. Multi-year programme of work

63. In the proposals, there was a divergence or lack of clarity of views concerning the multi-year programme of work. The relationship between the non-legally binding instrument and the Forum multi-year programme of work will need to be defined. Some countries felt that the instrument could have its own programme of work, while others proposed that the implementation of the instrument become part of the multi-year programme of work of the Forum, in which case the programme of work would also serve as the multi-year programme of work of the instrument.

D. Secretariat

64. Four of the proposals, representing the views of 28 countries, recommended that the Forum secretariat serve as the secretariat of the instrument. No other body was proposed for this role.

E. Trust fund

65. While no proposal made any specific suggestion on this issue, the importance of the Forum trust fund in supporting the participation of representatives of developing countries and countries with economies in transition in its meetings and work, as well as in supporting the work of the Forum secretariat, as agreed in General Assembly decision 58/554, could be taken into account in the development of the instrument.

F. Subscription

66. The European Union, Indonesia and the United States in their proposals either called for or referred to a subscription process for the instrument. This could be carefully considered against the fact that the Forum has universal membership and that most of the elements mentioned in the country proposals have already been unanimously agreed on by all member States. Subscription is not a common practice in non-legally binding instruments. However, serious consideration to this proposal could be given as an expression of stronger political commitment by countries, which could lead to additional financial commitments by donors and increased

funding opportunities for recipient countries. The European Union, in its second submission, proposed maintaining universal membership while allowing for a subscription process that provided countries with the opportunity to express a stronger political commitment to the implementation of the instrument. Otherwise, the instrument could be established and affirmed by simply adopting the report of the seventh session of the Forum. For this element, two approaches appear to be emerging:

(a) Adoption, whereby the instrument is adopted at the seventh session of the Forum;

(b) Adoption and subscription, whereby the instrument is concluded and adopted at the seventh session of the Forum, maintaining universal membership, and would be open for signature by countries and regional economic integration organizations commencing on the date of its adoption by the General Assembly, for a period to be determined by the Forum. A subscription would be submitted to the Forum secretariat through submission of a diplomatic note.

G. Amendment to the instrument

67. Two proposals highlighted the importance of taking into account the process for amending the instrument in the future, with one proposing that the Forum decide on modifications subject to adoption by the General Assembly.

H. Establishment of a subsidiary or advisory mechanism

68. In its submission, the European Union proposed that the instrument also take into account the establishment of subsidiary or advisory bodies for supporting its implementation. This could include, inter alia, ad hoc expert groups, ad hoc working groups, scientific and/or technical advisory bodies and other intersessional bodies.

I. Adoption of supplementary annexes or protocols under the instrument

69. One submission proposed that the Forum decide on the adoption of supplementary instruments, such as annexes, to the instrument, subject to adoption by the General Assembly. Using annexes to supplement basic agreement on the instrument could not only ensure continual development of the international arrangement on forests, but also provide an opportunity to develop a more comprehensive and coherent forest regime around the voluntary instrument. One of the annexes could deal with the development of a newly clustered set of global criteria for sustainable forest management at the international level, based on the seven thematic elements of sustainable forest management, in support of national- and regional-level implementation.

V. Conclusions

70. The proposals and comments submitted by countries and regional groups on a non-legally binding instrument on all types of forests largely agree on a number of

elements to be included in the instrument. Council resolution 2006/49 has provided a solid basis for the negotiation of the instrument, and the proposals and comments provided by member States will contribute significantly to its elaboration and adoption. The few differences in the proposals identified could be reconciled in the spirit of promoting sustainable forest management and the achievement of the global objectives on forests. The principal challenge facing member States in the negotiation and implementation of the instrument will be the financing of its implementation, particularly in developing countries and countries with economies in transition.

71. Once adopted, the instrument would intensify and further raise the political and public profile of forests at the national, regional and international levels. It would also provide a coherent conceptual and operational framework for sustainable forest management and for effective guidance for the implementation of actions at the national, regional and international levels for the achievement of internationally agreed policy objectives related to forests, including those of the internationally agreed development agenda. The instrument would also lead to a greater understanding of sustainable forest management. Finally, it would provide a global platform for closer cooperation among the many forest-related international and regional agreements, processes and organizations.

72. Concerning the title of the instrument, it should be noted that nine submissions, including one comment, referred to "instrument", while two preferred "understanding" and one proposed "code".

73. In response to several requests by countries and the Bureau of the seventh session of the Forum, a suggested draft text for negotiation based on the submissions and comments will be made available before the ad hoc expert group meeting to facilitate the process of negotiations leading to the adoption of a non-legally binding instrument on all types of forests.

Annex

Elements contained in country proposals for a non-legally binding instrument for all types of forests[a]

	African Group	*ASEAN*	*Australia*[b]	*Brazil*[c]	*Canada*	*Colombia*	*European Union*	*Indonesia*	*Japan*	*Pakistan*	*South Africa*	*Switzerland*	*United States*[d]	*Zimbabwe*
Purpose and preamble	x[e]	x[e]	x	x	x[b]		x	x		x	x[e,f]	x	x	
• Relationship to IPF/IFF proposals for action[g]		x	x	x			x						x	
• UNFF mandates			x	x			x	x			x		x	
• Millennium Development Goals				x			x						x	
Principles		x	x	x	x		x	x		x	x[h]	x	x	
Definitions/use of terms		x[i]	x		x		x[i]			x[i]	x	x[i]		
Strategic objectives/goals		x[j]	x[j]	x[j]	x	x[k]	x[j]	x[j]	x	x[j]	x[j]	x[j]	x[j]	x[j]
Relationship to other agreements		x		x	x	x	x			x	x	x		
Mechanisms for enhancing international coordination			x											
Global/regional/subregional policies and measures				x				x			x		x	
National policies and measures		x	x	x	x		x			x		x	x	x
• National forest programmes and equivalent programmes		x	x	x	x	x	x	x		x		x	x	x
• National poverty reduction strategies				x	x		x			x		x	x	
• National development policies/strategies and sustainable forest management				x			x	x		x		x	x	
• National goals/targets/ actions related to strategic objectives			x	x		x	x					x	x	
• Seven thematic elements of sustainable forest management		x	x				x						x	x

	African Group	ASEAN	Australia[a]	Brazil[a]	Canada	Colombia	European Union	Indonesia	Japan	Pakistan	South Africa	Switzerland	United States[a]	Zimbabwe
• Implementation of IPF/IFF proposals for action and Forum resolutions		x	x	x			x	x			x		x	x
• Extent of forest resources							x			x		x	x	x
• National forest estate					x							x		
• Conservation and protection		x		x	x					x		x	x	x
• Forest health		x										x	x	x
• Productive functions of forests				x						x			x	x
• Protective functions of forests/importance of environmental services provided by forests		x				x				x		x	x	x
• Forest law enforcement		x	x				x	x	x[m]			x[m]	x	
• Governance		x	x				x					x	x	
• Certification schemes		x	x		x							x		
• Cross-sectoral coordination/links			x				x	x		x		x	x	x
• Economic instruments for sustainable forest management										x				
Traditional forest-related knowledge	x	x			x		x					x		
Research/technical and scientific cooperation		x	x	x	x		x	x		x		x	x	x
Trade		x	x	x			x	x	x			x	x	
Financial arrangements	x	x	x	x	x		x	x		x	x	x	x[n]	
• Global Environment Facility				x			x							
• Forest development fund/global forest fund/global financing mechanism		x		x	x		x	x			x			
• Forest-related funds			x				x	x					x	
• Innovative financial mechanisms							x	x		x[o]	x	x[o]		

	African Group	*ASEAN*	*Australia*[a]	*Brazil*[a]	*Canada*	*Colombia*	*European Union*	*Indonesia*	*Japan*	*Pakistan*	*South Africa*	*Switzerland*	*United States*[a]	*Zimbabwe*
Investments in SFM			x					x					x	
• Private sector investment		x			x		x	x			x			
Partnerships											x		x	
• Public-private partnerships			x	x			x			x	x	x	x	
Incentives		x					x							
Obligations by countries					x					x[p]	x			
Special requirements of developing countries/countries with economies in transition/low forest cover countries			x	x							x			
Transfer of environmentally sound technologies	x	x	x	x	x	x	x	x		x	x	x	x	
Capacity-building	x	x	x	x	x		x	x	x	x	x	x	x	x
Education		x			x		x	x		x		x		
Public awareness		x			x		x			x		x		x
Multi-year programme of work				x	x		x				x			
• Emerging issues							x							
Institutional arrangements/ modalities	x		x	x[q]	x		x	x			x[q]		x	
• Regional and subregional meetings				x	x			x						
• Secretariat			x	x			x[r]	x[r]			x[r]		x[r]	
• Subsidiary bodies							x							
International and regional cooperation	x	x	x	x	x	x	x	x	x		x		x	
• Support from the Collaborative Partnership on Forests	x		x	x			x						x	
• Regional cooperation	x	x	x	x			x	x	x				x	
Stakeholder/major group participation	x		x	x	x	x	x	x		x	x	x	x	x
Monitoring, assessment and reporting		x	x	x	x		x	x		x	x	x	x	x
• Peer review of reporting			x		x		x					x		

	African Group	*ASEAN*	*Australia*[b]	*Brazil*[c]	*Canada*	*Colombia*	*European Union*	*Indonesia*	*Japan*	*Pakistan*	*South Africa*	*Switzerland*	*United States*[d]	*Zimbabwe*
• Use of criteria and indicators		x	x	x								x	x	
Information exchange/ cooperation		x	x	x	x		x			x		x	x	
• Clearing-house mechanism		x		x			x			x			x	
Dispute settlement process					x									
Subscription							x	x					x	
Adoption/adoption procedures			x							x	x	x[g]	x[i]	
Date that instrument becomes operational							x							
Amendments to the instrument							x				x			
Review of effectiveness of instrument		x	x	x			x	x			x	x	x	
Build on elements in UNFF 6 draft resolution							x		x				x	

[a] The 16 proposals represent the views of 97 countries.
[b] Provided a first proposal at the sixth session of the Forum and a second proposal afterwards.
[c] Provided a first proposal at the sixth session of the Forum and a second proposal afterwards entitled "non-legally binding international understanding on the management, conservation and sustainable development of all types of forests".
[d] Provided a first proposal at the sixth session of the Forum and a second proposal afterwards in the form of a draft international understanding (Codex Sylvanus).
[e] While preamble and purpose were not specifically mentioned, the proposal contained elements that would customarily go into a preambular section.
[f] Reference should be made to Agenda 21, the three pillars of sustainable forest management (social, economic and environmental) and the IPF/IFF/United Nations Forum on Forests processes, among others.
[g] The bullets listed here are by no means exhaustive. A number of other common points could have been listed and will be included in the preamble.
[h] South Africa proposed that the Rio Forest Principles also be used as the principles of the instrument.
[i] Provides some terms to be defined.
[j] Refers specifically to the four Global Objectives on Forests.
[k] Existing national objectives complement the Global Objectives on Forests.
[l] The four global objectives would go into the preambular section.
[m] Refers specifically to illegal practices and illegal international trade.
[n] Does not specify financial arrangements but calls for catalysing financial resources.
[o] Payment for forest-related environmental services.
[p] Refers specifically to provision of financial assistance and technology transfer by developed countries.
[q] The Forum secretariat should continue to service the process.
[r] The Forum secretariat should serve as the secretariat of the instrument.
[s] Favours adoption by the Forum to ensure universal membership.
[t] Both of the United States submissions refer to "subscribing States" and "adoption".